

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

10-CR-6211L

v.

RAUL EDUARDO RIVERA DE LA TORRE,

Defendant.


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This Court referred all pretrial motions in this criminal case to United States Magistrate Judge Marian W. Payson pursuant to 28 U.S.C. § 636(b). Defendant Raul Eduardo Rivera De La Torre (“De La Torre”) filed a motion to suppress statements that he made to drug enforcement agents on the day he was arrested on April 1, 2010. The Magistrate Judge held a suppression hearing at which one of the arresting agents testified. Magistrate Judge Payson found that defendant did make statements while in custody and, therefore, such statements were made during custodial interrogation. The Magistrate Judge further found that De La Torre was advised of his *Miranda* rights and voluntarily waived them before speaking to the agent. Magistrate Judge Payson further found that defendant did not request an interpreter and that he did understand and speak English.

The Magistrate Judge filed a Report and Recommendation (Dkt. #190) recommending that this Court deny the motion to suppress. The time within which to file objections to that Report and Recommendation has lapsed and the Court has also received a letter from De La Torre’s counsel, dated October 24, 2012, stating that he did not intend to file any objections to the Report and Recommendation (Dkt. #194).

In light of the above, I accept and adopt the Report and Recommendation of Magistrate Judge Marian W. Payson (Dkt. #190). I find no reason to alter or modify that Report and Recommendation. Therefore, defendant's motion (Dkt. #132) to suppress statements made at the time of his arrest is in all respects denied.

IT IS SO ORDERED.

  
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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
October 31, 2012.